

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **"AMORPHOUS ALLOYS FOR MAGNETO-ACOUSTIC MARKERS IN ELECTRONIC ARTICLE SURVEILLANCE HAVING REDUCED, LOW OR ZERO CO-CONTENT AND METHOD OF ANNEALING THE SAME"**

Case No. P99,2335, the specification of which

(check one) ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_, as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_,  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56<sup>1</sup>.

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below  
Prior Foreign Application(s)

<sup>1</sup> (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Number

Country

Date

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Prior Foreign Application(s)

Number

Country

Date

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)

Number

Country

Date

And I hereby appoint Messrs. John D. Simpson (Registration No. 19,842), Steven H. Noll (28,982), Brett A. Valiquet (27,841), James D. Hobart (24,149), Melvin A. Robinson (31,870), and Mark Bergner, all members of the firm of Schiff, Hardin & Waite,

Telephone: 312/258-5790

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Schiff, Hardin &amp; Waite

Patent Department

6600 Sears Tower, Chicago, Illinois 60606

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor GISELHER HERZER

Inventor's signature



Date

9/29/00

Residence

Bruchkobel, Germany

Citizenship

Germany

Post Office Address

Roentgenstr. 1163486 Bruchkobel, Germany

Full name of second joint inventor,  
(if any)

NEN-CHIN LIU

Inventor's signature

Date

Residence

Wellington, Florida

Citizenship

United States

Post Office Address

11174 Winding Pearl WayWellington, Florida 33414

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- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
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Telephone: 312/258-5790

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Schiff, Hardin & Waite

Patent Department

6600 Sears Tower, Chicago, Illinois 60606

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Full name of sole or first inventor

GISELHER HERZER

Inventor's signature

Date

Residence

Bruchkoebel, Germany

Citizenship

Germany

Post Office Address

Roentgenstr. 11

63486 Bruchkoebel, Germany

Full name of second joint inventor,

(if any)

NEN-CHIN LIU

Inventor's signature

Date

9-27-00

Residence

Wellington, Florida

Citizenship

United States

Post Office Address

11174 Winding Pearl Way

Wellington, Florida 33414

11-13-2000

10.2.00

FORM PTO-1595

R

1/31/92



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ET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please Record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Giselher Herzer and Nen-Chin Liu

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date September 29 & 27, 2000

## 2. Name and address of receiving party(ies):

Name: Vacuumschmelze GmbHInternal Address: Gruener Weg 37D-63450 Hanau, Germany

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Additional Name(s) & Address(es) attached ☒ Yes ☐ No

## 4. Application (number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 09/29&27/00

A. Patent Application No.(s)

B. Patent No.(s)

Atty. Docket No. P-99,2335

09677245

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

**SCHIFF HARDIN & WAITE**  
**Patent Department**  
 6600 Sears Tower  
 233 S. Wacker Drive  
 Chicago, IL 60606-6473

## 6. Total number of applications and patents involved

17. Total Fee (37 CFR 3.41) ..... \$ 40.00☒ Enclosed☒ Authorized to be charged to deposit account any Additional fees

## 8. Deposit Account Number:

501519

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Steven H. Noll (Reg. No. 28,982)

Name of Person Signing

Steven H. Noll

Signature

October 2, 2000

Date

Total number of pages: 6

Mail documents to be recorded and required cover sheet information to:

Commissioner of Patents and Trademarks

Box Assignments

Washington, D.C. 20231

11/09/2000 MTHAI1 00000184 09677245

01 FC:581

40.00 09

JCP25 U.S. PTO  
 09/677245  
 10/02/00

**ATTACHMENT TO FORM PTO-1595**  
**(Herz r et al, Atty. Docket P-99,2335)**

**ADDITIONAL NAME AND ADDRESS OF RECEIVING PARTY(IES):**

Name: Sensormatic Electronics Corp.

Internal Address: 951 Yamato Road

Boca Raton, Florida 33431

## ASSIGNMENT

FOR a valuable consideration, the undersigned,

residing at	<b>GISELHER HERZER</b> Roentgenstr. 11 63486 Bruchkoebel Germany	<b>NEN-CHIN LIU</b> 11174 Winding Pearl Way Wellington, Florida 33414 U.S.A.
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each hereby sell, assign, and transfer unto VACUUMSCHMELZE GMBH, Gruener Weg 37, D-63450 Hanau, Germany, a German corporation, 50% of the whole right, title and interest, and unto **SENSORMATIC ELECTRONICS CORP.**, 951 Yamato Road, Boca Raton, Florida 33431, a Delaware corporation, 50% of the whole right, title and interest, in and to a certain invention or improvement in:

**"AMORPHOUS ALLOYS FOR MAGNETO-ACOUSTIC MARKERS IN  
ELECTRONIC ARTICLE SURVEILLANCE HAVING REDUCED, LOW OR ZERO  
CO-CONTENT AND METHOD OF ANNEALING THE SAME"**

disclosed in an application for Letters Patent of the United States, prepared by the firm of Schiff, Hardin & Waite, Patent Department, of Chicago, Illinois, and executed of even date herewith, said application being identified in the office records of said firm as Case No. **P99,2335**, and in and to the United States Letters Patent therefor, when issued, together with all improvements thereon and betterments thereof, all divisions, continuations and reissues thereof and substitutions of or for said application, and all rights and privileges under the Letters Patent that may be granted therefor, including the right to claim the benefit of an earlier filing date for the same invention in a foreign country.

We hereby authorize and request the Commissioner of Patents to issue the Letters Patent that may be granted for said invention or improvements to said **VACUUMSCHMELZE GMBH**, Gruener Weg 37, D-63450 Hanau, Germany, and unto **SENSORMATIC ELECTRONICS CORP.**, 951 Yamato Road, Boca Raton, Florida 33431.

For the same consideration, we hereby agree that we will promptly communicate to the aforesaid assignees or their assigns full and complete information concerning said improvements or betterments of the inventions disclosed in said application, and will cooperate at any time upon request of said assignees or their assigns, at their expense, in the procurement of patent protection to cover the inventions herein assigned and to be assigned, including the execution of new divisional, continuing and reissue applications; will make all rightful oaths, will testify in any proceedings in the United States Patent Office or in the Courts, and generally will do everything lawfully possible to aid said assignees, their successors, assigns and nominees to obtain, enjoy and enforce proper patent protection for the inventions embraced within the terms of this document.

DATE: 9/29/00

Giselher Herzer  
GISELHER HERZER

WITNESSES:

Dieter Wenzel

Alexandra Fenzl

DATE: \_\_\_\_\_

NEN-CHIN LIU

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal at:

Date: \_\_\_\_\_

City of \_\_\_\_\_  
County of \_\_\_\_\_  
State of \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss

Before me personally appeared **NEN-CHIN LIU** known to me to be the person who executed the foregoing instrument, and acknowledged the execution and delivery thereof, under his seal, for the uses and purposes therein set forth, on the day and year aforesaid

\_\_\_\_\_  
Notary Public



## ASSIGNMENT

FOR a valuable consideration, the undersigned,

residing at	<b>GISELHER HERZER</b> Roentgenstr. 11 63486 Bruchkoebel Germany	<b>NEN-CHIN LIU</b> 11174 Winding Pearl Way Wellington, Florida 33414 U.S.A.
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DATE: \_\_\_\_\_

\_\_\_\_\_  
GISELHER HERZER

WITNESSES:

\_\_\_\_\_  
DATE: 9-27-00

Nen-Chin Liu  
\_\_\_\_\_  
NEN-CHIN LIU

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal at:

Date: 9-27-00

City of Boca Raton  
County of PALM BEACH  
State of FLORIDA

STATE OF FLORIDA)  
COUNTY OF PALM BEACH) ss

Before me personally appeared **NEN-CHIN LIU** known to me to be the person who executed the foregoing instrument, and acknowledged the execution and delivery thereof, under his seal, for the uses and purposes therein set forth, on the day and year aforesaid

Tricia L. Riddle  
Notary Public

